

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JAY SANDON COOPER,

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Appellant,

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versus

CIVIL ACTION NO. 4:14-CV-582

JANNA L. COUNTRYMAN,

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Appellee.

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MEMORANDUM AND ORDER

Pending before the court is Jay Sandon Cooper's ("Cooper") Motion for Transcript at Government Expense (#21). On July 30, 2014, Cooper moved to proceed on appeal *in forma pauperis* with the bankruptcy court. This court extended Cooper's time to file his appellate brief and delayed a decision on his Motion for Transcript, on October 9, 2014, pending the bankruptcy court's decision on his *in forma pauperis* motion. The bankruptcy court subsequently denied his motion and certified that his appeal was frivolous and was not taken in good faith on October 21, 2014.

To obtain a transcript at government expense, the movant must meet the requirements of 28 U.S.C. § 753(f), which permits free transcripts to be provided to “persons permitted to appeal in forma pauperis . . . if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” 28 U.S.C. § 753(f). Here, however, the bankruptcy court determined that Cooper’s appeal was frivolous and denied his motion to proceed on appeal *in forma pauperis*. Based on the bankruptcy court’s findings, Cooper’s motion is denied. Cooper has the right to challenge the bankruptcy court’s denial of *in forma pauperis* status by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, United States

Eastern District of Texas, Beaumont Division, within 30 days of October 21, 2014, the date of entry of the bankruptcy court's order, pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997). *See Baugh*, 117 F.3d at 202; *see also Williams v. Watkins*, No. 3:14-cv-379-1, 2014 WL 4979689, at *1 (N.D. Tex. Oct. 6, 2014); *Delmast v. Cardenas*, No. 4:09cv629, 2012 WL 2565306, at *3 (E.D. Tex. July 1, 2012).

IT IS SO ORDERED.

Signed this date.

Oct 22, 2014

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE